

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

JAN 07 2009

JOHN F. GORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

DON W. SMITH

AND

DONNA L. SMITH,

Plaintiffs,

v.

MICHAEL R. MCCARTHY, ET AL.,

Defendants.

CIVIL ACTION No. 3:08-cv-00036

FINAL ORDER

JUDGE NORMAN K. MOON

For the reasons stated in the accompanying Memorandum Opinion, Defendants' Motions to Dismiss are hereby GRANTED, this case is STRICKEN from the active docket of the Court, and any pending motions are DENIED as MOOT.

The Clerk of the Court is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

It is so ORDERED.

Entered this 7th day of January, 2009.

[Signature: Norman K. Moon]
NORMAN K. MOON
UNITED STATES DISTRICT JUDGE